

## **REMARKS**

In response to the Office Action mailed on December 31, 2002, Applicant respectfully requests reconsideration of this application, as amended, and consideration of the following remarks.

### **Amendments**

#### ***Amendments to the Claims***

Applicant has amended the independent claims to clarify that Applicant's images comprise frames of video data as described in the specification. Furthermore, Applicant has amended the independent claims and certain of the dependent claims to remove unnecessary limitations to broaden the scope of protection for the invention. Additional claim amendments have been made to conform with the amendments to the independent claims and to correct typographical errors.

No new matter has been added as a result of these amendments.

### **Rejections**

#### ***Rejections under 35 U.S.C. § 102(b)***

##### **Claims 1-42**

Claims 1-42 stand rejected under 35 U.S.C. § 102(a) as being anticipated by Jin (U.S. Patent 5,880,858). Applicant respectfully submits that Jin does not disclose each and every element of the invention as claimed in claims 1-42.

Jin discloses automatic cropping for digital images resulting from still pictures processed through a scanner. In particular, Jin teaches that individual still pictures may be scanned by first placing them in a frame, typically a sheet of plastic or cardboard provided with a scanner that has cutouts to hold multiple pictures, slides, or negatives during the scanning process. The portions of the resulting image that correspond to the physical frame are then automatically removed, leaving only the portions of the image corresponding to the still pictures.

With regard to claims 1, 15 and 29, the Examiner is equating the portions of Jin's scanned image that correspond to the physical frame with Applicant's key frames. Claims are to be given their broadest reasonable interpretation that is consistent with the

specification, and terms of art are to be given their commonly understood meaning unless otherwise defined in the specification [MPEP 2173.05(a)]. Applicant respectfully submits that the word "frame" and the phrase "key frame" are well-known terms of art in the field of film and video. A "frame" is an image in a sequence of images that make up a film or a video. A "key frame" is a frame of a film or video that contains significant video data. Applicant has used both terms in the specification consistently with their well-known meanings in the art. Therefore, the term "key frame" in the claims cannot be properly interpreted to read on portions of a scanned image that correspond to a physical frame. Moreover, Jin teaches that the portions corresponding to the physical frame are removed from the scanned image and hence these portions cannot represent significant video data. Thus, Jin does not teach or suggest storing data for a key frame and cannot anticipate Applicant's invention as claimed in independent claims 1, 15 and 29, and the claims that depend from them.

More particularly, with regard to claims 2-7, 12, 16-21, 26, 27 30-35, 39 and 40, the Examiner is equating Jin's location of a correct position within a scanned image with Applicant's determining of an active region within a current image. Applicant respectfully submits that the phrase "active region" is a well-known term of art in the field of film and video used to identify the portion of a frame that has changed from a previous frame in the film or video. Applicant has used "active region" in the specification and claims consistently with its accepted meaning, and the term cannot be properly interpreted as meaning a "correct position" as asserted by the Examiner. Thus, Jin does not teach or suggest Applicant's invention as claimed in claims 2-7, 12, 16-21, 26, 27 30-35, 39 and 40.

Moreover, with regard to claims 10, 11, 24, 25 and 38, the Examiner is equating Jin's image-division calculations with Applicant's claimed calculation of differences in the active regions of the current and previous frames. Jin does not teach or suggest any calculations that apply to active regions of frames as the terms are understood in the art. Furthermore, Applicant also claims a smoothing factor, which the Examiner is equating with Jin's mask image. Once again, Applicant respectfully submits that "smoothing" is a term of art in the field of film and video and Jin's mask image cannot be properly interpreted as equivalent to such a smoothing factor.

Accordingly, Applicant respectfully submits that the invention claimed claims 1-42 is not anticipated by Jin under 35 U.S.C. § 102(b) and respectfully requests the withdrawal of the rejection of the claims.

#### **New Claims**

Applicant has added claims 43-56 to claim the subject matter of claims 1-42 in means plus function format to broaden the scope of protection for the invention. New claims 43-56 are allowance for at least the reasons stated above for claims 1-42.

#### **SUMMARY**

As a result of the present amendment, claims 1-56 are currently pending in the application. In view of the foregoing amendments and remarks, Applicant respectfully submits that the pending claims are in condition for allowance. Applicant respectfully requests reconsideration of the application and allowance of the pending claims.

If the Examiner determines the prompt allowance of these claims could be facilitated by a telephone conference, the Examiner is invited to contact Sue Holloway at (408) 720-3476.

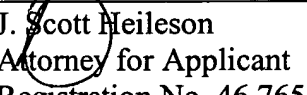
**Deposit Account Authorization**

Authorization is hereby given to charge our Deposit Account No. 02-2666 for any charges that may be due. Furthermore, if an extension is required, then Applicant hereby requests such extension.

Respectfully submitted,

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& ZAFMAN LLP

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